UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
SMITHERS, MATTHEW

ART UNIT	PAPER NUMBER
2137	8

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-6,9-11 and 13-16* is/are rejected.

7)☒ Claim(s) *2,7,8 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed July 13, 2004 have been fully considered but they are

not persuasive. Applicant argues Takahashi does not teach using stored inquiry data for

obtaining shared authentication data that is subsequently used to initialize operation of

an information security system. Examiner contends Takahashi does teach initializing

operation of an information security system (accessing personal information controlling

apparatus) by using a stored inquiry code value obtained during the inquiry code issuing

process (see Figures 9 and 10 and column 14, line 16 to column 15, line 19). As shown

in Figure 10, when a personal information referencer requests to access and display

personal information about a registrant through the personal information controlling

apparatus, the referencer enters the registrant's ID along with the inquiry code value

that was previously generated and stored using the registrant's ID and password (see

Figure 9, Issue an Inquiry Code). Next, the system uses an inquiry code authentication

routine to search and compare the entered inquiry data to the stored inquiry data (see

column 19, line 66 to column 20, line 58). Once a match is found, the registrant's

password value is retrieved and compared to determine whether access to the personal

information should be granted to the requester (referencer).

Based on the above arguments the examiner maintains the rejection given

below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3-6, 9-11 and 13-16 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. patent 6,564,323 granted to Takahashi et al.

Regarding claim 1, Takahashi meets the claims limitations as follows:

"A method for initializing operation of an information security operation for an entity,

comprising the steps of:

storing at least one of: entity identification data and a function of entity

identification data and storing associated shared authentication data;

storing inquiry data to facilitate entry of shared authentication data for

initialization;" see column 10, lines 18-57 and Figure 2.

"retrieving the stored inquiry data for presentation based on received entity

identification data;

receiving shared authentication data in response to the presented inquiry data;

comparing received shared authentication data with the stored shared authentication

data; and

determining whether to initialize operation of the information security operation

based on the comparison." see column 7, line 56 to column 9, line 3 and column 31, line

18 to column 37, line 16.

Regarding claim 3, Takahashi meets the claims limitations as follows:

The method of claim 1 including the steps of: storing data representing a function of the

entity identification data and storing shared authentication type data; subsequently

generating data representing a function of the received entity identification data;

obtaining the stored shared authentication type data based on the subsequently

generated data representing a function of the received entity identification data; and

selecting, under control of a processing unit, stored inquiry data for presentation to a

user, based on the obtained stored shared authentication type data." see column 7, line

56 to column 9, line 3 and column 31, line 18 to column 37, line 16.

Regarding claim 4, Takahashi meets the claims limitations as follows:

"The method of claim 1 wherein the step of initializing the operation of the information

security operation includes the use of a PAKE or other appropriate protocol." see

column 9, lines 18-32.

Regarding claim 5, Takahashi meets the claims limitations as follows:

The method of claim 1 wherein the step of determining whether to initialize the

operation of the information security operation includes repeating the steps of retrieving

stored inquiry data for presentation based on received entity identification data;

receiving shared authentication data in response to the presented inquiry data and

combining with previously received authentication data; comparing received shared

authentication data with the stored shared authentication data; and determining whether

to initialize operation of the information security operation based on the comparison."

see column 7, line 56 to column 9, line 3 and column 31, line 18 to column 37, line 16.

Regarding claim 6, Takahashi meets the claims limitations as follows:

"A method for initializing operation of an information security operation for an entity,

comprising the steps of:

storing, by a first processor, at least one of entity identification data and a

function of entity identification data and storing associated shared authentication data;

storing, by a second processor, inquiry data to facilitate entry of shared

authentication data for initialization;

retrieving, by the second processor, the stored inquiry data for presentation

based on received entity identification data; receiving, by a third processor, shared

authentication data in response to the presented inquiry data;

comparing received shared authentication data with the stored shared

authentication data; and determining whether to initialize operation of the information

security operation based on the comparison." see column 7, line 56 to column 9, line 3

and column 31, line 18 to column 37, line 16.

Regarding claim 9, Takahashi meets the claims limitations as follows:

"The method of claim 6 wherein the step of initializing the operation of the information

security operation includes the use of a PAKE or other appropriate protocol." see

column 9, lines 18-32.

Regarding claim 10, Takahashi meets the claims limitations as follows:

"The method of claim 6 wherein the step of determining whether to initialize the operation of the information security operation includes repeating the steps of: retrieving stored inquiry data for presentation based on received entity identification data; receiving shared authentication data in response to the presented inquiry data and combining with previously received authentication data; comparing received shared authentication data with the stored shared authentication data; and determining whether to initialize operation of the information security operation based on the comparison." see column 7, line 56 to column 9, line 3 and column 31, line 18 to column 37, line 16.

Claims 11, 13, 15 and 16 are system claims that are substantially equivalent to method claims 1, 3, 4 and 5. Therefore claims 11, 13, 15, and 16 are rejected by a similar rationale.

Allowable Subject Matter

Claims 2, 7, 8, 12 and 14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 2, 7, 8 and 12; the cited prior art fails to specifically teach wherein the step of storing inquiry data includes storing at least one of: a plurality of forms containing questions wherein different forms are stored for different types of shared authentication data and are selectable through a user interface, and a plurality of

questions indexed based on at least type of shared authentication data that are automatically selected for presentation based on received entity identification data.

With respect to claim 14, the cited prior art fails to specifically teach wherein the second processor includes a request generator and a question generator and wherein the entity includes a graphic user interface for presenting questions received from the second processor.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew T Caldwell can be reached on (571) 272-3868. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Matthew B Smithers
Primary Examiner
Art Unit 2137